

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Mid-Century Insurance Co.,

Plaintiff,

v.

ORDER

Civil File No. 89-245 (MJD/FLN)

North Star Auto, Joseph Stark,
Patricia Wade, John Roy
Letourneau, Wayne Holm,
Wendy Holm, Debbie Juneau,
Cyrus H. Juneau, Bank North,
Jack Worley, Doris Klegin, Maas
Motors, Kathryn Page, John Doe,
State of Minnesota,

Defendants.

This matter is before the Court on Defendant Joseph Stark's claim that he is entitled to \$7,500 from funds held by the Court since 1989. Having considered his unopposed request along with the files and records in this case, the Court will grant Stark's claim and release funds in that amount.

This matter arose out of the 1988 bankruptcy of Nord Motor Company, which was insured by Plaintiff Mid-Century Insurance Company. On December 1, 1988, Plaintiff filed a Complaint in Interpleader in the United States Bankruptcy Court for the District of Minnesota. The Complaint was filed to

allow Plaintiff to transfer the proceeds of a \$25,000 Minnesota Motor Vehicle Dealer Bond to the Clerk of Court, so that the various claimants in this action would be required to interplead and determine their respective rights to the proceeds of the \$25,000 bond. Plaintiff took this action due to the multiple claims made by various parties concerning entitlement to the proceeds.

This action was subsequently transferred to the District Court on March 27, 1989. On June 21, 1989, Plaintiff deposited \$25,000 with the Clerk of Court. [Docket No. 7.] This \$25,000 constituted the Bond proceeds which were the subject of the Interpleader action. Ultimately, the claims of the defendants were never adjudicated, and on January 29, 1993 the case was closed because it had been pending for three years, with no action for over a year. [Docket No. 13.] Consequently, the \$25,000 proceeds of the bond were never distributed.

On January 12, 2011, the Court ordered that the defendants in this action would have thirty (30) days to submit a claim explaining their entitlement to the bond proceeds which were the subject of this action. [Docket No. 14.] Notice was provided electronically and by mail to the various defendants.

After nearly a year, only one of the defendants has responded to the Court's notice. On February 10, 2011, the Court received a letter from Mr. Joseph

Stark of New Hope, Minnesota. [Docket No. 17.] Stark has provided the Court documentation related to his 1988 claim in this matter. His claim was for \$7,500 owed to him for a 1986 Chrysler LeBaron automobile that was sold on consignment for him by Nord Motors. The record indicates that no party has ever objected to Stark's claim for \$7,500. As no other party has submitted a claim, and the funds held by the Court exceed the amount sought by Stark, the Court shall release \$7,500 to Stark pursuant to its January 12, 2011 Order.

The remaining funds will continue to be held in the Court's Unclaimed Funds Account. If additional parties believe that they are entitled to recovery from the funds, they may make a formal motion with this Court to have the money released from the Unclaimed Funds Account.

IT IS HEREBY ORDERED that the Clerk of Court shall transfer \$7,500 from the Unclaimed Funds Account and disburse that amount to: Mr. Joseph Stark, 8731 32nd Circle North, New Hope, Minnesota 55427.

Date: January 8, 2012

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court